

## REMARKS

### Election/Restrictions

The Applicants hereby elect Group I, claims 1-50, insofar as drawn to the special technical feature of an antibody or fragment thereof that binds to Gln-Ile-Lys-Asn-Phe-Leu-Lys-Glu-Val-Gly-Lys-Val-Val-Tyr-Ile, with traverse.

Applicants respectfully request that Group II, claims 1-50, also be examined insofar as they are drawn to the special technical feature of an antibody or fragment thereof that binds to Lys-Gly-Gly-Lys-Ala-Thr-Tyr-Ser. The antibodies or fragments thereof directed to the Group I and Group II sequences share the following special technical features. First, all such antibodies and fragments thereof are produced due to a dysfunctional immune response found in lupus patients, who have a special propensity to produce antibodies to HERVs. Indeed, both Group I and Group II sequences are encoded by human endogenous retroviral (HERV) sequences expressed in lupus patients. Second, the Group I and II sequences are homologous to the same HIV gp120 epitope composed of residues 421-436. Specifically, the Group I sequence is encoded by a HERV with GenBank No. AL592563.7 that is homologous to gp120 residues 422-432 and the Group II sequence is encoded by a HERV with GenBank No. AL391989.9 that is homologous to the gp120 residues 429-436 within the same functional epitope composed of residues 421-436 (pg. 7, ll. 1-12). Third, after binding to the epitope, antibodies to both Group I and II sequences have the same functional consequence, i.e., the antibodies will interfere with binding of HIV to host CD4

receptors and thereby interfere with HIV infection. In summary, the antibodies or fragments thereof directed to Group I and Group II sequences share the following special technical features: (a) they are produced by lupus patients as a result of a dysfunctional immune response to HERV peptides, regardless of the individual sequence of the HERV peptide; (b) they are directed to the same epitope of HIV gp120, residues 421-436; and (c) they can be used for passive immunization of HIV/AIDS, as they recognize a common epitope and have the same functional properties. For this reason, Applicants respectfully submit that searching both sequences would not impose an undue burden on the Examiner. Accordingly, Applicant respectfully requests that Groups I and II be examined together.

This is intended to be a complete response to the Restriction Requirement mailed April 21, 2008. If any issues remain outstanding, the Examiner is respectfully requested to telephone the undersigned attorney of record for immediate resolution. Applicants enclose a Petition for a Three Month Extension of Time.

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Respectfully submitted,

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